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To: Microsoft ATR
Date: 12/28/01 1:58am
Subject: Objections to the Microsoft Settlement

Objection 1. Free Software to Schools

I agree with Apple, Red Hat, et al. that the proposed remedy furthers Microsoft's anti-competitive position. I'm sure Bill Gates is saying: "Puh-leeze B'rer Fox, don't throw me in that thar Briar Patch."

Objection 2. Failure to Break Up the Company

The combination of selling both the OS and the Software Applications was anti-competitive for IBM and is more so for Microsoft. Microsoft has unpublished Application Programming Interfaces in their OSs which they are free to use in their Software Applications and change at will. These APIs often confer performance and feature advantages over Microsoft's unwitting competitors.

Microsoft is also able to plan both their OS changes and their Software Application product changes together. Again, they are able to gain a time advantage over their competitors.

I can say from personal involvement in purchase decisions that these advantages are often the overriding factor in choosing a Software Application supplier. The clear remedy for this is to break up Microsoft into two companies: one company that develops Operating System software only and a second company that develops Software Applications such as Microsoft Office.

Objection 3. Other Factors

It is clear that Microsoft's monopoly position has damaged consumers. While Moore's Law has so far governed the cost of computer hardware causing constantly improving hardware to cost constantly decreasing amounts, we see no such decrease in the cost of Microsoft software (though the decrease appears elsewhere with software developed for the Java environment being a good example -- much of it being freeware). The free Java Software Development Kits provide an environment richer than the standard Microsoft OSs that runs in Java Virtual Machines that can, in turn, run on any OS including the free Linux OS. Much valuable freeware is available written in Java. And much valuable freeware is available for Linux and other UNIX systems. Yet the high cost of Microsoft software continues to eat up the resources of Information Technology departments that might otherwise be spent on the tasks of training and converting to less expensive and, often, better and more productive free or inexpensive software.

And all consumers (individuals; businesses; government) are damaged by the lack of security features in Microsoft products. All of the competitive OSs (UNIX, Mac OS X; and Linux) have better security features. Huge losses are attributable to just one of the Microsoft products: Microsoft Outlook. In aggregate, the losses attributable to security defects in all Microsoft products add greatly to the cost of these products and exacerbate

the difference in the cost trends between computer hardware (way down) and computer software (way up). And new capabilities in Microsoft XP's TCP/IP make it possible for hackers or terrorists to disrupt and even bring down the Internet.

While the lawsuit has been in process, Microsoft has gained almost total control of the Web browser software arena and has led the market away from standards such as Java and has introduced non-standard features into XSL. They implement the features they want in the way they want and there is virtually no competition to challenge them by fully implementing and encouraging the use of standards.

Finally, Microsoft's contempt for these anti-trust proceedings is manifest in their recent push into the area of personal portals in which America On-line is the current major player. It is as though they were punishing them for starting this whole business in the first place.

In all of these ways and many more, Microsoft has damaged the market, the economy and the users. Please provide a truly effective remedy.

Your consideration of these remarks is greatly appreciated.

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Opinions expressed in this document are my own.